

DIVORCE, LEGAL SEPARATION, ANNULMENT WITHOUT MINOR CHILDREN

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Temporary Orders

Part 1: Completing and Filing
the Court Papers
(Instructions Packet)

SELF-SERVICE CENTER

TEMPORARY ORDERS IN DIVORCE, LEGAL SEPARATION AND ANNULMENT CASES WITHOUT CHILDREN

COMPLETING AND FILING COURT PAPERS

How to assemble these documents

This packet contains instructions and procedures for temporary orders in divorce, legal separation and annulment cases without children. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRTMA1it	Table of instructions in this packet	1
2	DRTM10i	Instructions for Completing and Filing the <i>“Motion for Temporary Orders”</i> and Other Court Papers	2
3	DRTM10p	Procedures for Completing and Filing the <i>“Motion for Temporary Orders”</i> and Other Court Papers	3

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INSTRUCTIONS: HOW TO FILL OUT THE MOTION FOR TEMPORARY ORDERS WHILE YOU WAIT FOR YOUR DIVORCE, LEGAL SEPARATION OR ANNULMENT ORDER

USE THIS PACKET: Either the Petitioner or the Respondent can file a *“Motion for Temporary Orders”* while you wait for the a divorce, legal separation, or annulment. You cannot file for temporary orders unless a case for divorce, legal separation, or annulment has already been filed or you will file a case at the same time you request temporary orders. Here are the instructions to ask the Court for **TEMPORARY** orders. Be sure to choose the packet for temporary orders **WITH CHILDREN**, or **WITHOUT CHILDREN**, depending on your situation.

FILL OUT THE COURT FORMS FOR THE TEMPORARY ORDERS: First, decide if you are filing for a divorce, legal separation or annulment **WITH CHILDREN** or **WITHOUT CHILDREN**, **unless the other party has already filed for divorce, legal separation or annulment**. Then, fill out all the forms for the Temporary Orders and in **black ink** as follows:

1. ALL TEMPORARY ORDERS CASES INVOLVING DIVORCE, LEGAL SEPARATION, ANNULMENT:

MOTION FOR TEMPORARY ORDERS. Write in the case number assigned to your case, if you have already filed for divorce, annulment or legal separation. If you have not already filed a case, the Clerk of the Court will stamp a number on your papers when you file them. Decide what you want the temporary orders for, and check those boxes in the upper right-hand corner of the page. Then complete the whole Motion. List the names and dates of birth of the children whom this Motion affects. Check the boxes that apply to what you are asking the court to grant. If you are asking for a temporary division of property, the Judge/Commissioner can only grant exclusive use and possession of the property and usually limits this to the house and/or cars. If you are asking for a temporary division of the debt, be sure to list debt carefully. You must sign the Motion under oath, which means you need to sign in front of a Notary Public or the Clerk of the Court.

AFFIDAVIT OF FINANCIAL INFORMATION. This document tells the court what your current financial situation is. Make a copy of this document **before** you fill it out because you will need a blank copy for the packets listed in the next document called: *“Procedures: What to do after you have filled out the Motion and Court Papers for Temporary Orders.”*

COPY OF FAMILY COURT DEPARTMENT NOTICES: There are two separate one-page notices that tell you and the other party what the court expects from both of you at and before the court hearing.

ORDER TO APPEAR: This is the document the Judge’s staff will complete to set the hearing for the temporary orders. Complete the top part of the *“Order to Appear”* with your name and address, the names of the parties, and the case number. Leave the rest blank for the Judge to fill out.

TEMPORARY ORDER: This is the document the judge will sign after your court hearing. Complete the top part of the Temporary Order with your name and address, the names of the parties, and the case number. Leave the rest blank for the Judge to fill out. The Temporary Orders are not valid until signed and dated by the Judge after the court hearing.

IF YOUR CASE INVOLVES CHILDREN:

PARENT'S CHILD SUPPORT WORKSHEET, ORDER OF ASSIGNMENT and PARENTING PLAN. You only need to fill out these documents if your case involves children. If you filed a divorce, legal separation or annulment **with children** and need temporary orders about the children, you should read the ***"Child Support Guidelines,"*** and the Instructions to help you complete the Worksheet and ***"Order of Assignment"***. Make a copy of the ***"Parent's Child Support Worksheet"*** **before** you fill it out because you will need a blank copy for the packets listed in the next document called: ***"Procedures: What to do after you have filled out the Motion and Court Papers for Temporary Orders."*** Fill out the ***"Parenting Plan"*** and attach it to the Temporary Order you want the Judge to sign.

IF YOUR CASE INVOLVES CHILD and/or SPOUSAL MAINTENANCE/SUPPORT:

JUDGMENT DATA SHEET. You only need to fill out this document if your case involves children and/or spousal maintenance/support. This document is for the Clerk of the Court. You are not required to send a copy of it to the other party. If your address is protected do not send it to the other party. Follow the instructions included in this packet to help you fill it out.

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PROCEDURES: FOR FILING THE MOTION AND COURT PAPERS FOR TEMPORARY ORDERS

Here are the steps to ask the court for **TEMPORARY** orders while you wait for your divorce, legal separation, or annulment to be final. This process has several steps. After you complete filling in the court papers, follow each step in order as described below:

STEP 1: MAKE COPIES OF ALL THE PAPERWORK. Make 3 copies of all of the documents to make sure that you have enough copies of all of the documents. Assemble the original and copies so that you have **4 PACKETS**: one for the Clerk of the Court, one for the judge, one for you, and one for the other party. Here is a list of the documents in each packet:

PACKET ONE: ORIGINALS FOR THE CLERK OF THE COURT

- ✓ Original ***"Motion for Temporary Orders"*** (with children or without children, depending on your case)
- ✓ Original ***"Affidavit of Financial Information"*** that you completed.

PACKET TWO: ORIGINALS AND/OR COPIES FOR THE JUDGE IN THE FOLLOWING ORDER

- ✓ Copy of ***"Motion for Temporary Orders"*** (with children or without children, depending on your case)
- ✓ Original ***"Order to Appear for Motion Petition for Temporary Orders"***
- ✓ Copy of ***"Affidavit of Financial Information"*** that you completed
- ✓ Original ***"Parent's Worksheet on Child Support"*** that you completed (only if you are asking for temporary child support.)
- ✓ Copy of ***"Family Court Department Notice about Returns/Conferences"*** and ***"Family Court Department Notice on Temporary Hearings"***
- ✓ Original ***"Parenting Plan"*** (only if you are asking for temporary child custody/visitation.)
- ✓ Original Temporary Order (with children or without children, depending on your case)
- ✓ Original ***"Order of Assignment"*** (only if you are asking for temporary child support)
- ✓ Original ***"Judgment Data Sheet"*** (if you are asking for child support or spousal support)

PACKET THREE: ORIGINALS AND/OR COPIES FOR YOU

- ✓ Copy of ***"Motion for Temporary Orders"*** (with children or without children, depending on your case)
- ✓ Copy of ***"Order to Appear for Motion for Temporary Orders"***
- ✓ Copy of ***"Affidavit of Financial Information"*** that you completed
- ✓ Copy of ***"Parent's Worksheet on Child Support"*** that you completed (only if you are asking for temporary child support.)
- ✓ Copy of Temporary Order (with children or without children, depending on your case)
- ✓ Copy of ***"Order of Assignment"*** (only if you are asking for temporary child support)

- ✓ Copy of ***“Family Court Department Notice about Returns/Conferences”*** and ***“Family Court Department Notice about Temporary Hearings”***
- ✓ Copy of ***“Parenting Plan”*** (only if you are asking for temporary child custody/visitation.)
- ✓ Copy of Temporary Order (with children or without children, depending on your case)
- ✓ Copy of ***“Order of Assignment”*** and ***“Employer Information Sheet”*** (only if you are asking for temporary child support)
- ✓ Copy of ***“Judgment Data Sheet”*** (if you are asking for child support or spousal support)

PACKET FOUR: ORIGINALS AND/OR COPIES FOR THE OTHER PARTY

- ✓ Copy of ***“Motion for Temporary Orders”*** (with children or without children, depending on your case)
- ✓ Copy of ***“Order to Appear for Motion for Temporary Orders”***
- ✓ Copy of ***“Affidavit of Financial Information”*** that you completed
- ✓ Copy of ***“Parents Worksheet on Child Support”*** that you completed (only if you are asking for temporary child support.)
- ✓ Copy of Temporary Order (with children or without children, depending on your case)
- ✓ Copy of ***“Order of Assignment”*** (only if you are asking for temporary child support.)
- ✓ Blank copy of ***“Affidavit of Financial Information”***
- ✓ Blank copy of ***“Parent’s Worksheet on Child Support”*** (only if you are asking for temporary child support)
- ✓ Copy of ***“Family Court Department Notice about Returns/Conferences”*** and ***“Family Court Department Notice about Temporary Hearings”***
- ✓ Copy of ***“Parenting Plan”*** (only if you are asking for temporary child custody/visitation.)

STEP 2 FILE THE PAPERS AT THE COURT

- ✓ **GO TO THE CLERK’S OFFICE:** Take **all 4 packets** of the documents **to the Clerk of the Court** in Phoenix: at 201 W. Jefferson, 1st floor OR at 18380 North 40th Street; or in Mesa at 222 E. Javelina, 1st floor; or in Surprise at 14264 W. Tierra Buena Lane. The Clerk will file the original of the Motion for Temporary Orders, and the Affidavit of Financial Information (PACKET ONE). The Clerk will clerk-stamp copies of the documents to show which documents were filed. **USE YOUR CASE NUMBER:** The case number assigned when you filed your Petition for Divorce, Legal Separation, or Annulment is stamped in the upper right-hand corner of all the documents the clerk stamped for you. The case number could start with “DR” or “FC” or “FN”. **Use this number on every paper you file with the court for this case.**

STEP 3 TO GET THE HEARING ON THE TEMPORARY ORDERS

- ✓ After you have filed your documents with the Clerk of the Court, take your documents (3 packets now) to one of the following locations:

Central Court Building
201 West Jefferson, 6th floor
Phoenix, Arizona 85003
(To Family Court Administration)

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Judge's in-box)

Southeast Court Complex
222 East Javelina Drive, 1st floor
Mesa, Arizona 85210
(To Court Administration)

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032
(To Judge's in-box)

BRING WITH YOU A SELF-ADDRESSED STAMPED ENVELOPE that is 9 ½" by 12 ½", which is big enough to fit all 3 packets. Make sure to put enough postage on the envelope. We recommend that you have the 3 packets weighed to know the exact amount of postage you need (It will probably be close to \$2.00). Family Court staff will forward the documents to the judge. The judge's staff will fill in the **ORDER TO APPEAR**, that tells the date, time, and place of the court hearing for the Motion for Temporary Orders. After the court hearing date is filled in, staff will mail it to you to save you another trip to the courthouse.

STEP 4 SERVE THE COURT PAPERS ON THE OTHER PARTY. You must arrange for the other party to receive the court papers. You already have the copies made for the other party. The best way to make sure that the other party is properly served with the court papers is to serve them by registered process server or the Sheriff. The Self-Service Center packet on service has all the forms and instructions on how to do this. Then serve the other party with Packet Four above.

STEP 5 BEFORE THE HEARING. Be sure that the Affidavit of Service is completed and in the court file before your hearing date. Try to do this as soon as possible. If you can, do it at least 5 court days before the hearing. Otherwise, bring the Affidavit of Service with you to the hearing to show the judge that the other party was served with the court papers. Also bring Packet Three, your copy of the documents with you to the hearing.

STEP 6 AT THE HEARING. Be sure to write down the date, time and place of the court hearing, and come to the hearing on time. Dress neatly. Be prepared to tell the judge about the case, and why the temporary order is necessary. Bring all paperwork with you that you think the judge should look at, such as reports about the children and financial records.

DO NOT BRING CHILDREN TO COURT.

STEP 7 OTHER HELP. If you still have questions about this procedure, you can ask a lawyer for help. You can look up a lawyer in the telephone book under "attorneys." Also, the Self-Service Center has a list of lawyers who help people on a task-by-task basis for a fee. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what his or her experience is.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS
ARE AVAILABLE AT THE SELF-SERVICE CENTER.**